

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Williston Basin Interstate Pipeline,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Factory Mutual Insurance Company,)	
)	
Defendant.)	Case No. 1:09-cv-034

On July 15, 2010, defendant filed a Motion to Strike Exhibits 6 and 9 to its Brief in Support of its Motion to Compel. It explains that Exhibits 6 and 9, which had been designated “confidential” pursuant to the parties’ stipulated protective order, were inadvertently filed publicly. It requests that these exhibits be stricken from the record, adding that they intend to refile these exhibits under seal.

Defendant also filed a Motion to Supplement the Record. Therein it seeks leave of court to supplement Exhibits 5 and 10 to the affidavit of defense counsel filed in support of defendant’s letter brief in support of its Motion to Compel.

Exhibits 6 and 9 need not be refiled as they may be sealed by the Clerk’s office. Accordingly, the court deems to the Motion to Strike (Docket No. 46) **MOOT** and directs the Clerk’s office to seal Exhibits 6 and 9 to the brief filed by defendant in support of its Motion to Compel. The court further **GRANTS** defendant’s motion to supplement its Motion to Compel (Docket No. 48).

IT IS SO ORDERED.

Dated this 19th day of July, 2010.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge